

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MATTHEW SCOTT PORTER,

Plaintiff,

CASE NO. 17-14113
HON. MARIANNE O. BATTANI

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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ORDER DISMISSING ACTION WITHOUT PREJUDICE

Plaintiff Matthew Porter brought this action pursuant to 42 U.S.C. § 405(g), challenging the final decision of the Commissioner denying his application for disability insurance benefits. The matter was referred to Magistrate Judge R. Steven Whalen for a Report and Recommendation ("R&R").

In the R&R, the Magistrate Judge recommends the action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for Plaintiff's failure to prosecute. The Court find the analysis in the Report thorough. The Magistrate Judge correctly assesses the Plaintiff's failure to comply with the scheduling order and the legal authority governing a Rule 41(b) dismissal.

In the R&R, the Magistrate Judge informed the parties that objections to the R&R needed to be filed within 14 days of service and that a party's failure to file objections would waive any further right of appeal. (ECF No. 17 at 8). Plaintiff has not filed an objection.

Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation, and **DISMISSES WITHOUT PREJUDICE** this action in its entirety.

IT IS SO ORDERED.

Date: August 29, 2019

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge